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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,394	01/24/2002	Ron Pang Cheng Chuan	3918P016	2609

8791                      7590                      06/18/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
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EXAMINER

DUVERNE, JEAN F

ART UNIT                      PAPER NUMBER

2839

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/056,394	<b>Applicant(s)</b> CHUAN ET AL.	
	<b>Examiner</b> Jean F. Duverne	<b>Art Unit</b> 2839	

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 15 January 2004.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-4 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/16/02
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

In view of applicant's argument about the date of one prior art (Hwang) and functional limitation of the lever, the examiner has decided to issue a second non-final office action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,6, 9, 11, 20, 23-32, 34, 13-14, 18, 21-22<sup>35-40</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (US patent 4,432,604).

In regard to claims 1,6, 9, 11, 20, 29-32, and 34<sup>35-40</sup>, Schwab's device discloses a fiber module (see figs. 1-6), comprising a pull lever actuator (18) with latching features to lock or disengage (at the unlocking position) the fiber from a cage assembly when the connector housing with optical fibers are connected to the module(22, 28), an electro-optic transducer (see col. 2, lines 1-19) for converting optical signal into electrical signal, electrical contacts (36, 34) and an edge connection to a circuit. However, Schwab's device fails to explicitly disclose the lever with the functional limitation for withdrawing and pulling the fiber that has not been given patentable weight because it is in a narrative form. In order to be given patentable weight, a functional recitation must be expressed as means

for performing the specified function, as set forth in 35 USC § 112, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use lever to pull and withdraw the fiber in order increase the functional limitation of the lever. Furthermore, Schwab's device fails to explicitly disclose the lever with the functional limitation for withdrawing and pulling the fiber that has not been given patentable weight because it is in a narrative form. In order to be given patentable weight, a functional recitation must be expressed as means for performing the specified function, as set forth in 35 USC § 112, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use lever to pull and withdraw the fiber in order increase the functional limitation of the lever.

In regard to claims 23-28, Schwab's device discloses the aforementioned limitations but fails to explicitly disclose the method to withdraw the optical fiber, which is an obvious variation because the limitation recited in the method claims are also recited in the apparatus claims. Furthermore, Schwab's device fails to explicitly disclose the lever with the functional limitation for withdrawing and pulling the fiber that has not been given patentable weight because it is in a

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narrative form. In order to be given patentable weight, a functional recitation must be expressed as means for performing the specified function, as set forth in 35 USC § 112, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use lever to pull and withdraw the fiber in order increase the functional limitation of the lever.

In regard to claims 13-14, 18, 21-22, Schwab's device discloses the aforementioned limitations but fails to explicitly disclose the material of which the pull lever actuator is made of. It would have been obvious to one having ordinary skill in the art at the invention was made to use conductive material or metal in forming the pull lever actuator, since it has been held to be within the general skill of a worker in the art to select known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416). It would have been obvious to one having ordinary skill in the art at the invention was made to use conductive material or metal in forming the pull lever actuator to meet design requirement in Schwab's device.

Claims 8, 10, 15-17, rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (US patent 4,432,604) in view of Branch et al ( US 2002/0167793 A1) .

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2. Schwab's device discloses the aforementioned limitations except for the EMI shield. Branch's device discloses for the EMI shield (59). It would be have been obvious to one having ordinary skill in art at the time the invention was made to have the EMI shield such as the one discloses in Branch's device in order to enhance the shielding against electromagnetic interference in Schwab's device.

3. Claims 7, 19, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (US patent 4,432,604) in view of Pang et al (US 20030020986A1).

Schwab's device discloses the aforementioned limitations, but fails to explicitly disclose the SFP module and EMI shielding. Pang's device discloses the SFP module and the EMI shielding. It would be have been obvious to one having ordinary skill in art at the time the invention was made to have the SFP module to meet the system design and requirement in Schwab's device. It would be have been obvious to one having ordinary skill in art at the time the invention was made to have the EMI shield such as the one discloses in Pang's device in order to enhance the shielding against electromagnetic interference in Schwab's device.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (703) 305-0297. The examiner can normally be reached on 9:30-8:00, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (703) 308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

**Any response to this action may be mailed to:**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

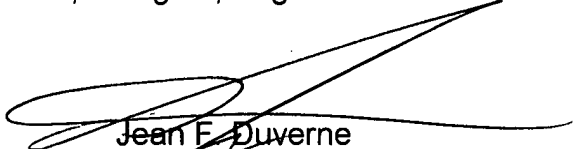
For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or Faxed to:**  
(703) 872-9306.

**Hand-delivered responses** should be brought to:  
Crystal Plaza 4, Fourth Floor (Receptionist)  
2201 South Clark Place, Arlington, Virginia.

JFD

4/18/2004



Jean F. Duverne  
Primary Examiner  
Art Unit 2839